

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

UNITED STATES OF AMERICA

v.

406CR038

DEON MONROE JONES

a/k/a: JOHNNY LEE JONES

**ORDER**

The Court ***DENIES*** defendant Deon Monroe Jones's Motion for Mistrial. Doc. # 156. The witness in question, Kelly Bigham, testified to an inability to remember much of what was contained in the videotape in question. In fact, she even doubted whether the person in the videotape was herself -- absurdly claiming that she recognized her voice but not her image. The Government established the F.R.Ev. 803(5) foundation, and Bigham testified that her memory could not be refreshed.

Finally, no issue arises under *Crawford v. Washington*, 541 U.S. 36 (2004) because Bigham was available at trial for confrontation. See EXAMINATION OF WITNESSES § 5:25.50 (2d. ed. Aug. 2007).

This 10 day of July, 2008.



B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA